

REMARKS

This Application has been carefully reviewed in light of the Office Action dated August 8, 2008 ("*Office Action*"). In the Office Action, Claims 1, 2, 4-17, 19-32, and 34-49 are pending and rejected in the Application. Applicants amend Claims 1, 16, 31, 46, and 48-49 and cancel Claims 12, 27, and 42, without prejudice or disclaimer. Applicants' amendments and cancellations have been made to advance prosecution of the present Application and not to overcome the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Section 103 Rejections

The Examiner rejects Claims 1, 2, 4, 5, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 43, 44, 46, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,970,461 issued to Unitt et al. ("*Unitt*") in view of U.S. Patent No. 6,816,966 B1 issued to Gupta ("*Gupta*"). Because "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art" (*In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)), Applicants respectfully traverse these rejections.

Applicants amend Claims 1, 46, and 48-49 to include the limitations from canceled Claim 12, amend Claim 16 to include the limitations from canceled Claim 27, and amend Claim 31 to include the limitations from canceled Claim 42. To reject similar limitations, the Examiner relies on the combination of *Unitt*, *Gupta*, and U.S. Patent No. 6,026,441 issued to Ronen ("*Ronen*"). Applicants respectfully submit that the combination of *Unitt*, *Gupta*, and *Ronen* does not disclose each and every limitation of Applicants' claims.

For example, the combination of *Unitt*, *Gupta*, and *Ronen* fails to disclose, teach, or suggest:

wherein authenticating access privileges of the user comprises:
determining whether the user is logged in to a service
provider providing a service including the multicast channel;
determining whether the user is logged in to the service
including the multicast channel; and
successfully authenticating access privileges of the user
to the multicast channel in response to at least the user logged
in to the service provider and the service[.]

as recited in Claim 1. The Examiner admits that the *Unitt-Gupta* combination does not disclose the above-recited claim limitations, but instead relies on *Ronen*. *Office Action*, p. 17. The Examiner's reliance on *Ronen*, however, does not correct the deficiencies of *Unitt* and *Gupta*.

As discussed in previous responses to office actions, *Ronen* does not disclose the claimed features. Instead, *Ronen* discloses a method for "establishing a connection on the Internet between applications associated with two or more client terminals." Col. 1, ll. 7-10. More specifically, "[w]hen the [destination] user of client terminals 101 logs onto the Internet through IASP 102, and provides his or her identity through a logon and identification procedure, [destination] client terminal 101 is assigned a temporary IP address that is used for the current session." Col. 2, ll. 54-58. "Thus, a database 122, associated with IASP 102, stores a mapping of each client terminal then connected to IASP 102 and its user, and the IP address assigned to that terminal." Col. 2, ll. 58-61. "[B]y accessing its associated database, IASP 102 . . . can determine whether a particular one its subscribers is currently logged on." Col. 2, ll. 64-66. Because *Ronen* is not at all related to providing multicast communications, *Ronen* does not disclose, teach, or suggest:

- determining whether the user is logged in to a service provider providing a service including the multicast channel;
- determining whether the user is logged in to the service including the multicast channel; and
- successfully authenticating access privileges of the user to the multicast channel in response to at least the user logged in to the service provider and the service[.]

as recited in Claim 1. The recited features are completely absent from the disclosure of *Ronen*. Because the combination of *Unitt*, *Gupta*, and *Ronen* does not disclose, teach, or suggest each and every limitation of Applicants' amended Claim 1, Applicants respectfully request reconsideration and allowance of Claim 1 along with its dependent claims.

Independent Claims 16, 31, and 46-49 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, the combination of *Unitt*, *Gupta*, and *Ronen* does not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of Claims 16, 31, and 46-49 together with their dependent claims.

The Examiner rejects Claims 6-12, 15, 21-27, 30, 36-42, 45, and 47 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Unitt* and *Gupta* with U.S. Patent No. 6,219,790 B1 issued to Lloyd et al. ("*Lloyd*"), U.S. Patent No. 6,466,571 B1 issued to Dynarski et al. ("*Dynarski*"), U.S. Patent No. 6,718,387 B1 issued to Gupta ("*Gupta* '387"),¹ *Ronen*, and U.S. Patent No. 5,671,225 issued to Hooper et al. ("*Hooper*"). For the following reasons, Applicants respectfully request reconsideration of Claims 6-12, 15, 21-27, 30, 36-42, 45, and 47.

Claims 6-11 and 15 (which depend from allowable Claim 1), Claims 21-26 and 30 (which depend from allowable Claim 16), and Claims 36-41 and 45 (which depend from allowable Claim 31) incorporate the limitations of their independent claims and also recite additional limitations that are not disclosed, taught, or suggested in *Lloyd*, *Dynarski*, *Gupta* '387, or *Hooper*. Independent Claim 47 incorporates limitations similar to those discussed with reference to Claim 1. The Examiner's reliance on the additional references does not account for the deficiencies of the combination of *Unitt*, *Gupta*, and *Ronen*, and the Examiner does not make any assertions to the contrary. Applicants canceled Claims 12, 27, and 42 without prejudice or disclaimer. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 6-11, 15, 21-26, 30, 36-41, 45, and 47.

Furthermore, it is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Examiners should be aware "of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007). The Examiner relies on various combinations of seven references to reject the pending claims. Applicants respectfully submit that the Examiner's piecemeal rejection qualifies as impermissible hindsight reconstruction. Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims.

¹ In the Office Action, the Examiner actually states that that Claims 9, 24, and 39 are rejected further in view of "Unitt et al U.S. Patent No. 6,718,387 B1." However, Applicants believe that the Examiner intended to state that the claims are rejected further in view of "Gupta et al U.S. Patent No. 6, 718, 387." In previous rejections of these claims, the Examiner relied on U.S. Patent No. 6,718,387 issued to Gupta et al. rather than to Unitt et al.

All of Applicants' arguments are without prejudice or disclaimer. Applicants reserve the right to discuss the distinctions between the cited references and the claims in a later response or on appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The exemplary arguments offered by Applicants are sufficient to overcome the obviousness rejections.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, and for other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Christa Brown-Sanford, Attorney for Applicants, at the Examiner's convenience at (214) 953-6824.

Applicants believe no fees are due; however, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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